

April 25, 2005

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Anand Mamidi  
California Regional Water Quality Control Board  
11020 Sun Center Drive #200  
Rancho Cordova, CA 95670

**RE: Bear Valley Water District Comments to NPDES Permit.**

Dear Mr. Mamidi:

We have reviewed the Tentative NPDES Permit on behalf of the Bear Valley Water District (District) and are providing the below comments. The District is in support of this permit and believes that it is protective of all beneficial uses of water in and downstream of Bloods Creek. Although the permit is more stringent than federal law requires, the District is in support of the permits requirements as they are precedented, meet all federal and state requirements, and maintain water quality in Bloods Creek at a very high level. This permit addresses the District's short-term and long-term obligations to provide wastewater disposal to existing and future development within the District boundaries. As the District currently does not have sufficient land for disposal of effluent originating within the District, it is obligated to plan for providing this service, and since suitable private land is not available except through condemnation, lawful discharge to Bloods Creek (through exercising this NPDES permit) is the one means available to it.

Regarding the Tentative Permit, we have the following comments and clarifications:

Finding 2. A portion of the disposal land area (and the site for the treatment pond and effluent storage reservoir) is situated on 120 acres owned by and leased from C. Bruce Orvis & Roma Orvis and TBH Partners. Based on recent (2003) aerial mapping of the disposal area and recent District operational experience with the additional temporary USFS Special Use Permit land, the District has determined that roughly about 74 acres are currently available and suitable for effluent disposal. The suitable disposal acreage reduces to 60 acres after the temporary USFS special use permitted land reverts back to the Forest Service.

Finding 4. The District has submitted preliminary "Capacity Curves" (March 25, 2005) that describe the protocol for the District to discharge from the effluent storage reservoir to avoid the risk of accumulated effluent in the storage reservoir. We believe that these preliminary "Capacity Curves" are representative of the design conditions for the land disposal system discussed in this finding.

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Mr. Anand Mamidi

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Finding 27. The last paragraph of Finding 27 describes Bloods Creek as pristine. This statement appears to be provocative and we do not believe that it accurately describes Bloods Creek at this location. According to the Merriam-Webster dictionary, pristine means; not spoiled, corrupted, or polluted by civilization. Although the water quality in Bloods Creek is very high, in particular during the snowmelt season when the District would discharge, the creek does pass through lands that are currently and have historically been used for cattle grazing, and Highway 4 crosses Bloods Creek and portions of the highway drain to Bloods Creek.

Discharge Prohibitions A.4. Significant dilution flows can exist through the month of June, especially during wet late winters. The District submitted information to the Regional Board showing the correlation between snow pack and peak stream flow (March 9, 2005). Based on that information, peak Bloods Creek flows could occur as late as mid June. Prohibition A.4. appears to be unnecessarily stringent and could result in more discharge over a shorter period of time.

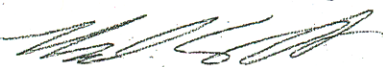
Effluent Limitation B.1. The District proposes to discharge only during snowmelt season based on the design conditions represented by the Capacity Curves.

Effluent Limitations B.1. Regional Board staff has commented that the more stringent effluent limitations for BOD and TSS are consistent with the Land Disposal WDRs Order No. 5-01-208. The effluent limitations in the Land Disposal Order apply to effluent from the treatment pond, which has consistently met these limitations. The limitations contained in the Tentative NDPES permit are for effluent from the storage reservoir, which may or may not feasibly meet these limitations. Prior to January 1, 2007, the District will measure effluent reservoir BOD and TSS to evaluate if algal growth would cause the District to be in violation of these effluent limitations.

Fact Sheet Page 8 – BOD and TSS. The effluent quality from the effluent storage reservoir could differ significantly from the effluent from the treatment pond as described above. The monitoring data collected under the Land Disposal Order reflects treatment pond effluent, which has consistently met the BOD and TSS requirements. The current tentative permit requires an average of 65 percent removal of BOD and TSS over each calendar month.

If you have any questions or require any additional information, please feel free to call me at (209) 242-0292.

Sincerely,  
ECO:LOGIC Engineering



Neal Colwell  
District Engineer

cc: Bear Valley Water District

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